UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF WASHINGTON

In re: Roberto S Esquivel	Case No. 08-14614
Anson B Esquivel	CHAPTER 13 PLAN
	_ ORIGINALx_ AMENDED
Debtor(s).	Date: August 26, 2009

1. Plan Payments:

No later than 30 days after the filing of the Plan or the order for relief, whichever date is earlier, the Debtor(s) will commence making payments to the Trustee as follows:

- A. AMOUNT: \$1,755.25 Bi-weekly for 60 months
- B. TAX REFUNDS: Debtor(s) __ COMMITS; **X** DOES NOT COMMIT; all tax refunds to funding the Plan. Committed refunds shall be paid in addition to the plan payment stated above. If no selection is made, tax refunds are committed.
- C. PAYMENTS: Plan payments shall be deducted from the Debtor(s) wages unless otherwise agreed to by the Trustee or ordered by the Court.
- D. OTHER:

2. Plan Duration:

Debtor(s) estimate the Plan will run approximately <u>60</u> months. Plan may be extended up to 60 months after the first payment is due if necessary to complete the Plan.

3. <u>Distribution of Plan Payments</u>:

The Trustee shall disburse funds received in the following order:

- A. ADMINISTRATIVE EXPENSES:
 - 1. Trustee. The percentage set pursuant to 28 USC §586(e).
 - 2. Other administrative expenses. As allowed pursuant to 11 USC §§ 507(a)(2) or 707(b).
 - 3. <u>Attorney's Fees</u>: Original attorney's fees of \$_1,800.00; of which \$_1,250.00 remains unpaid. Select applicable option: a. __ Prior to all creditors; b. __ Monthly payments of \$__;
 - c. __ All remaining funds available after designated monthly payments to the following creditors: __.
 - d. x Other: After rank 1 and 2

If no selection is made, fees will be paid after monthly payments specified in Paragraphs 3B and 3C.

B. CURRENT DOMESTIC SUPPORT OBLIGATION: Payments to creditors whose claims are filed and allowed pursuant to 11 USC § 502(a) or court order as follows (if left blank, no payments shall be made by the Trustee):

<u>Creditor</u>	Monthly Payment
-NONE-	\$

C. SECURED CLAIMS: Payments to creditors whose claims are filed and allowed pursuant to 11 USC § 502(a) or court order, as stated below. Unless ranked otherwise, payments to creditors will be disbursed at the same level. Secured creditors shall retain their liens until the payment of the underlying debt, determined under nonbankruptcy law, or discharge under 11 USC § 1328, as appropriate. Secured creditors, other than current mortgage payments and continuing payments and except as provided in 26 USC § 6621(a)(2) and 11 USC § 1322(b)(2) as limited by 11 USC § 1325(a), will be paid the amount of their claim or the value of their collateral, whichever is less, plus per annum uncompounded interest from the Petition filing date. Interest rate and monthly payment in the Plan control unless a creditor timely files an objection to confirmation. Value of collateral stated in the Proof of Claim controls unless otherwise ordered following timely objection to claim. The unsecured portion of any claim shall be paid as a nonpriority unsecured claim unless entitled to priority by law. **Any creditors holding allowed secured claims not specified below shall not receive payment from the Trustee.** If the interest is left blank, the applicable interest rate shall be 12%.

1. Payments That Will Continue Beyond The Term Of The Plan (Interest included in payments at contract rate, if applicable):

Rank	<u>Creditor</u>	Nature of Debt	Property	Monthly Payment
			Real property at 10709 SE	
1	GreenPoint Mortgage	First Mortgage	260th Place Kent, WA 98030	\$_1,650.00
·		_	Real property at 10709 SE	·
<u>1</u>	HSBC	2nd Mortgage	260th Place Kent, WA 98030	\$ <u>505.68</u>

2. Mortgage Arrearage/Property Tax Arrearage Payments:

		Periodic				Arrears to be	Interest
Rank		Payment	<u>Creditor</u>	Property		Cured	Rate
				Real property at 10709 SE			
1	\$	312.00	GreenPoint Mortgage	260th Place Kent, WA 98030	\$_	14,865.86	0 %
·	·			Real property at 10709 SE		_	
1	\$	76.00	HSBC	260th Place Kent, WA 98030	\$_	3,552.35	0 %

- 3. Other Claims Secured by Personal Property:
- (a). Unless written consent to the alternative treatment as set forth below is filed with the court, the trustee shall pay the contract balance as stated in the Proof of Claim for a purchase-money security interest in any motor vehicle acquired for the personal use of the debtor(s) within 910 days preceding the filing date of the Petition or in other personal property acquired within one year preceding the filing date of the Petition as follows. Debtor(s) stipulate that pre-confirmation adequate protection payments shall be paid by the Trustee as specified. If no amount is specified, the Trustee shall pay the amount stated as the "Equal Periodic Payment".
 - (i). Payment of contractual balance.

	Equal Periodic		Description of		onfirmation e Protection	Interest	
Rank	Payment	<u>Creditor</u>	<u>Collateral</u>	•	Payment	Rate	
			2002 Chevy Avalanche				
			Vehicle valued by Kelly				
1	\$ 205.34	BECU	Blue Book	\$	205.34	5.25	%
			2008 Nissan Quest				_
		Nissan Motor Acceptance	Vehicle valued by Kelly				
1	\$ 561.22	Corp	Blue Book	\$	561.22	3.9	%

(ii). Proposed Alternative Treatment, which shall not be binding upon the creditor without written consent filed with the court.

	Equal Periodic		Debtor(s) Value of	Description of	Pre-Confirmation Adequate Protection	Interest	
Rank	<u>Payment</u>	Creditor	<u>Collateral</u>	<u>Collateral</u>	<u>Payment</u>	<u>Rate</u>	
	\$	-NONE-	\$		<u> </u>		<u>%</u>

(b). The following secured claims are **not** for a motor vehicle acquired for the personal use of the Debtor(s) within 910 days preceding the filing date of the Petition and are **not** for other personal property acquired within one year preceding the filing date of the Petition. Debtor(s) stipulate that pre-confirmation adequate protection payments shall be paid by the Trustee as specified. If no amount is specified, the Trustee shall pay the amount stated as the "Equal Periodic Payment".

	Equal			Debtor(s)	Description		onfirmation	Ttoot
	Periodic			Value of	of	Adequate	Protection	Interest
<u>Rank</u>	Payment	<u>Creditor</u>		<u>Collateral</u>	<u>Collateral</u>		Payment	<u>Rate</u>
					Kids Bedroom			
					Set, Coffee			
					Table, Side			
1	\$ 78.88	Retail Services	\$_	3,000.00	Table, PC	\$	0.00	9 %

	and allowed nonpriority unsec		shall pay prior to other nonpriorit	v uncocurad al	aims as fallows:
Rar		Amount of Claim		eason for Spec	cial Classification
	no less than the Applicab (a). % paid to unsect (b). Pursuant to 11 U no fewer than nonpriority unse	le Commitment Period of either ureds: 100% OUSC § 1325(b), debtor(s) projection months totals \$_0_, and coured claims. Plan would thus	00% to claimants in this class, or a 36 or 60 months as stated below the cted disposable income during the not less than that total amount sha yield approximately 0 % to not payments required under Paragra	w (choose a. or e applicable co all be distribute conpriority unse	ommitment period of ed to allowed scureds. Percentage
		ed below will be surrendered to or is surrendering property pur	o the following named creditors of suant to this paragraph are grantes taking possession and sale.		
	<u>editor</u> DNE-		Property to be Surrend	<u>lered</u>	
	separate motion and order, and unless otherwise specified in I frequency of the payments, the payments and the interest rate	d any cure and/or continuing p Paragraph 10 with language de e ranking level for such payme , if any, for cure payments. An ejected, the Debtor(s) shall sur	I contracts or unexpired leases as ayments will be paid directly by the signating that payments will be most must with regard to other creditors, by executory contract or unexpired render any collateral or leased prograph 3E2.	the Debtor(s) unade by the Tru, the length of the lease not assu	under Paragraph 6, ustee, the amount and the term for continuing umed pursuant to 11
	<u>ntract/Lease</u> DNE-		Assumed or Rejected		
	order, and shall receive no pay	be paid directly by the Debtor(yments from the Trustee. (Payi	s) according to the terms of the coment stated shall not bind any par	ty)	
	paid directly by the Debtor(s)	as follows:	-		
	<u>editor</u> DNE-	\$	onthly Support Obligation	<u>Monthly</u> \$	y Arrearage Payment
	B. OTHER DIRECT PAYM	IENTS:			
	<u>editor</u> DNE-	Nature of Debt	Amount o	of Claim	Monthly Payment \$
			ency of the plan all property of th		

remain vested in the Trustee until discharge. The Debtor(s) shall not, without approval of the Court, sell or otherwise dispose of or

D. PRIORITY CLAIMS: Payment in full, on a pro rata basis, of filed and allowed claims entitled to priority in the order stated in

11 USC § 507(a).

transfer real property other than in accordance with the terms of the confirmed Plan.

8. Liquidation Analysis Pursuant to 11 USC § 1325(a)(4)

No less than \$_\overline{\textbf{0}}\$ shall be distributed to priority and nonpriority unsecured claims. Under 11 USC §§ 1325(a)(4) and 726(a)(5), interest on allowed unsecured claims under Paragraphs 3D and 3E shall be paid at the rate of ___ % per annum from the Petition filing date (no interest shall be paid if left blank).

9. Certification:

- A. The Debtor(s) certifies that all post-petition Domestic Support Obligations have been paid in full on the date of this Plan and will be paid in full at the time of the confirmation hearing. Debtor acknowledges that timely payment of such post-petition Domestic Support Obligations is a condition of Plan confirmation pursuant to 11 USC § 1325(a)(8).
- B. The Debtor(s) or their attorney certifies that this Plan does not alter the provisions of Local Bankruptcy Form 13-3 except as follows:

10. Other Plan Provisions: (must be separately numbered)

- 1. Plan payment to be garnished so that each debtor pays one half of the monthly payment.
- 2. The Trustee is authorized to increase payments to mortgagee if monthly payments increase due to adjustments in escrow or interest rates.
- 3. Car payments will survive plan.

/s/ Susan H Seelye	/s/ Roberto S Esquivel	xxx-xx-2172		August 26, 2009
Susan H Seelye 28825 Attorney for Debtor(s)	Roberto S Esquivel DEBTOR	Last 4 digits SS#	Birthdate	Date
August 26, 2009	/s/ Anson B Esquivel	xxx-xx-3936		August 26, 2009
Date	Anson B Esquivel DEBTOR	Last 4 digits SS#	Birthdate	Date